

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:17-CV-139-D

LEATHA ANN SMITH,

Plaintiff,

v.

NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

**ORDER**


On July 23, 2018, Magistrate Judge Jones issued a Memorandum and Recommendation (“M&R”) [D.E. 23] and recommended that plaintiff’s motion for summary judgment [D.E. 17] be granted, that defendant’s motion for judgment on the pleadings [D.E. 20] be denied, and that the action be remanded to the Commissioner. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 23]. Plaintiff’s motion for summary judgment [D.E. 17] is GRANTED, defendant’s motion for

judgment on the pleadings [D.E. 20] is DENIED, and the action is REMANDED to the Commissioner under sentence four of 42 U.S.C. § 405(g).

SO ORDERED. This 9 day of August 2018.

  
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JAMES C. DEVER III  
Chief United States District Judge